

#6 Letter to the Examiner

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DATE: January 14, 2004

MATTER NUMBER:

10024582/P323US/WBT

RECIPIENT(S):	FAX NO.:	PHONE NO.:
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FROM: Bill Tiffany

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RE: Docket No. 10000495501

NUMBER OF PAGES WITH COVER PAGE: 10

Message:

I am preparing a response to an Office Action for Hewlett-Packard, a copy of which is attached. Portions of the Office Action seem to be scrambled or missing. Would you have a clean copy of the Office Action faxed to me?

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09-912,211	07/24/2001	Michael J. Chaloner	10004955-1	6430

7590 11/19/2003
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collin, CO 80527-2400

EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

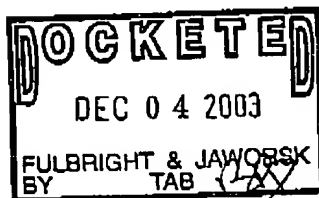
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DATE MAILED: 11 19 2003

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IPA

Please find below and/or attached an Office communication concerning this application or proceeding.



US ACTION _____
DUE DATE _____
Paper Dated _____
OA _____ Final _____
Msg. Pt. _____ Dwg. _____
Appeal _____ Issue Fee _____
Other: _____

Office Action Summary

Application No.

09/912,211

Applicant(s)

CHALONER ET AL.

Examiner

Vernal U Brown

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

The application of Michael J. Chaloner for System and Method For Improved Object Identification filed July 24, 2001 has been examined. Claims 1-22 are pending.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract using phrase "The present invention" which is implied and should be avoided.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 22, it is not understood what is generated by the limitation "means for generating".

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-7, 10-11, 13-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being by anticipated by Lastinger U.S Patent 6104311.

Regarding claim 1, Lastinger teaches a method for identifying objects within a set of objects (col. 8 line 67-col. 9 line 4), the method comprising the steps of transmitting a signal toward a region of interest and receiving energy reflected from said region of interest (col. 8 lines 35-40). The baseline field strength by Lastinger is inherently established in order to detect the increased field strength (col. 8 line 49). Lastinger further teaches identifying at least one object within the region of interest based upon determining at least one frequency at which the field strength differs (col. 8 lines 50-51).

Regarding claim 2, Lastinger teaches the identifying step comprises the steps of establishing a plurality of pre-selected frequencies within a frequency range of the transmitted signal and associating at least one of the pre-selected frequencies with each object of said set of objects (col. 8 lines 35-41).

Regarding claim 3, Lastinger teaches the transmitted signal is an electromagnetic signal (col. 7 line 31).

Regarding claim 10, Lastinger teaches transmitting a narrowband signal spanning a single pre-selected resonant frequency (col. 8 lines 35-40) and determining whether a field strength of said single pre-selected resonant frequency differs substantially from said baseline field strength for the reflected energy (col. 8 lines 50-51). Page 4

Regarding claim 11, Lastinger teaches an object presence detection system, the system comprising:

object detection equipment (2) disposed conveniently at least one region of interest (figure 2);

a set of objects for detection by said object detection equipment (col. 9 lines 1-4);

and at least one antenna disposed on each object of said set of objects for uniquely identifying each said object of said set of objects to said object detection equipment (col. 13 lines 5-11).

Regarding claim 13, Lastinger teaches each antenna having different resonant frequency and the frequency is adjusted by changing the antenna length (col. 12 lines 19-22).

Regarding claim 14, Lastinger teaches a data table (col. 11 lines 50-55) for associating each object with a pre-selected resonant frequency (col. 11 lines 58-61).

Regarding claim 15, Lastinger teaches the detection equipment (reader) transmit an interrogating signal (col. 8 lines 42-41), therefore the detection equipment inherently includes a

Regarding claims 6 and 7, Lastinger teaches affixing antenna to each object (col. 13 lines 5-6) and the antenna resonates at a pre-selected frequency (col. 13 lines 9-11).

Regarding claims 8 and 12, Lastinger teaches causing the antenna to resonate at a pre-selected frequency (col. 8 lines 23-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lastinger U.S Patent 6104311 in view of Lander U.S Patent 4476469.

Regarding claims 4 and 5, Lastinger teaches the transmission of radio frequency signal (col. 7 line 31) but is silent on teaching the transmitted signal is a sonic or ultrasonic wave. Lander in an art related object locating invention teaches the use of sonic and ultrasonic signal as a substitute for radio frequency signal (col. 2 lines 1-4).

It would have been obvious to one of ordinary skill in the art to transmit a sonic or ultrasonic signal in Lastinger as evidenced by Lander because Lastinger suggests the transmission of radio frequency signal and Lander teaches the use of sonic and ultrasonic signal as a substitute for radio frequency signal.

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lastinger U.S Patent 6104311 in view of Carney et al. U.S Patent 5446447.

Regarding claim 9, Lastinger teaches transmitting the signal comprising the resonant frequency of the tag and determining the frequency which differ from the baseline field strength (col. 8 lines 47-50) but is silent on teaching transmitting a broadband signal spanning a plurality of resonant frequencies. Carney et al. in an art related invention in the same field of endeavor of radio frequency tag teaches transmitting a broadband signal spanning a plurality of resonant frequencies (col. 9 lines 12-14).

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It would have been obvious to one of ordinary skill in the art to transmit a broadband signal spanning a plurality of resonant frequencies in Lastinger as evidenced by Carney et al. because Lastinger suggests the reader transmitting the signal comprising the resonant frequency of the tag and Carney et al. suggests transmitting the resonant frequencies of the tag by transmitting a broadband signal spanning a plurality of resonant frequencies.

Regarding claim 19, Lastinger teaches the object detection equipment identifying the resonant frequencies present in a region (col. 8 lines 49-51) but is not explicit in teaching the object detection equipment further comprising analyzing circuitry, coupled to at least one receiver, for identifying resonant frequencies present in said region of interest. Carney et al. in an art related invention in the same field of endeavor of radio frequency tag teaches analyzing circuitry, coupled to at least one receiver (figure 14), for identifying resonant frequencies present in said region of interest (col. 8 lines 61-65).

It would have been obvious to one of ordinary skill in the art for object detection equipment further comprising analyzing circuitry, coupled to at least one receiver, for identifying resonant frequencies present in the region of interest in Lastinger as evidenced by Carney et al. because Lastinger suggests the object detection equipment identifying the resonant frequencies present in a region and Carney et al. teaches analyzing circuitry, coupled to at least one receiver for identifying resonant frequencies present in said region of interest.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.


Vernal Brown
November 4, 2003


PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 09/912,211	Applicant(s)/Patent Under Reexamination CHALONER ET AL.	
	Examiner Vernal U Brown	Art Unit 2635	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5448447	08-1995	Carney et al.	340/572
	B	US-6104311	08-2000	Lastinger	340/825.54
	C	US-4476469	10-1984	Lander	340/825.49
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a))
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 4